

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

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Louis Diaz, Gregory Korniloff and Jack Toal,	:
on behalf of themselves and as representatives	:
of the Class,	:
	:
Plaintiffs,	:
	:
vs.	:
	:
NBC Universal, Inc.,	:
	:
Defendant.	:
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Civil Action No. 08-CV-00401 (CM)

Electronically Filed

**NOTICE OF MOTION
TO DISMISS COMPLAINT**

PLEASE TAKE NOTICE that upon the annexed affidavit of Andrew J. Thomas, sworn to on January 31, 2008, and the exhibits annexed thereto, the accompanying Memorandum of Law and all other pleadings and proceedings, defendant NBC Universal, Inc. will move before the Honorable Colleen McMahon, United States District Judge, Southern District of New York, on a date and time to be set by the Court, for an order dismissing plaintiffs' Complaint with prejudice pursuant to Fed.R.Civ.P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's scheduling order, plaintiffs' answering papers, if any, shall be filed and served no later than February 6, 2008.

PLEASE TAKE FURTHER NOTICE that upon the annexed affidavit of Andrew J. Thomas, sworn to on January 31, 2008, and the exhibits annexed thereto, the annexed Affidavit of Gabriela Garcia, sworn to on January 31, 2008, the annexed Affidavit of John Morici, sworn to on January 30, 2008, the annexed Affidavit of John V. Ledwith, Jr., sworn to on January 31, 2008, the accompanying Memorandum of Law and all other pleadings and proceedings, defendant NBC Universal, Inc. also opposes plaintiffs' application for injunctive relief.

